

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SARAH WALKER,

Plaintiff,

vs.

No. CIV 09-0060 JB/RLP

THI of NEW MEXICO at Hobbs Center d/b/a  
HOBBS HEALTH CARE CENTER, DIANA  
MELTON, JAIME ANDUJO, DEBBIE LOTHIDGE,  
KAREN HOOD, THI OF NEW MEXICO, LLC,  
FUNDAMENTAL CLINICAL CONSULTING, LLC,  
AND FUNDAMENTAL ADMINISTRATIVE  
SERVICES, LLC,

Defendants.

**MEMORANDUM OPINION AND ORDER**

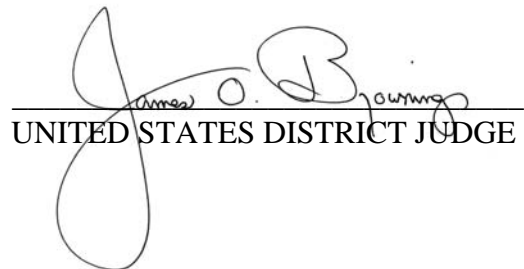
**THIS MATTER** comes before the Court on the Defendants' Motion to Continue November 5, 2010 Hearing, filed November 4, 2010 (Doc. 130)("Motion"). The Court held a hearing on November 4, 2010.

On October 21, 2010, Walker filed an unopposed motion for a continuance of the November 1, 2010 hearing. See Unopposed Motion for Continuance of November 1, 2010 Hearing, filed October 21, 2010 (Doc. 123). The Court reset the motion hearing for November 5, 2010. The Defendants then filed their motion to continue the November 5, 2010 hearing. See Doc. 130. As grounds, the Defendants state that "[i]n-house counsel for Defendant Fundamental Administrative Services, LLC ("FAS"), who intends to attend the hearing in person, has a conflict with tomorrow's setting." Motion at 1. This conflict existed at the time that the Defendants agreed to the continuance of the November 1, 2010 hearing, but -- because of "initial miscommunication [sic] among the Defendants' litigation counsel" -- the conflict was overlooked. Motion at 1. The Defendants request

that the Court continue the hearing set for 2:30 p.m. on Friday, November 5, 2010. See Motion at 4.

The Court conducted a telephonic conference with the parties. Daniel Yohalem, Plaintiff Sarah Walker's counsel, stated that Walker does not oppose the Defendants' request for a continuance as long as the continuance is a short one. The Court will continue the motion hearing to November 15, 2010 at 2:00 p.m., which is the first available date for all parties. During the telephonic conference, Trent Howell, counsel for Defendants THI of New Mexico, at Hobbs Center, LLC and THI of New Mexico, LLC, asked the Court for permission to file a response to Plaintiff's Notice of Revised Second Amended Complaint, filed November 4, 2010 (Doc. 131) ("Notice"). The Court asked Mr. Yohalem whether Walker had an objection to the Defendants filing a response to Walker's Notice. Mr. Yohalem stated that he did not have an objection. The Court will therefore grant Mr. Howell's request to file a response to Walker's Notice.

**IT IS ORDERED** that the Defendants' Motion to Continue November 5, 2010 Hearing, filed November 4, 2010 (Doc. 130), is granted. The Court will continue the hearing to November 15, 2010 at 2:00 p.m. The Court will also grant the Defendants' request to file a response to Walker's Notice.



UNITED STATES DISTRICT JUDGE

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